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09/681,758	05/31/2001	Sean M. McCullough	VIGN1250-1	6416

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GRAY, CARY, WARE & FREIDENRICH LLP  
1221 SOUTH MOPAC EXPRESSWAY  
SUITE 400  
AUSTIN, TX 78746-6875

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/19/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/681,758

Applicant(s)

MCCULLOUGH, SEAN M.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. Application Number 09/681, 758 was filed on 05/31/2001. Claims 1-24 are subject to examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (Pub. No. US 2002/0152237) (herein after Cohen) in view of Gerace (5, 991, 735).

#### **Referring to claims 1, 2, 5 and 7,**

The reference Cohen teaches "Using pre-programmed basic comparison rules and computer based mathematical models, matrices are used to represent statistical information about the visitor's sessions on the web site" (Abstract). It also teaches to put the tracked data during user's session in the appropriate structure. [0013], and stored in a database. [0014](generating an entry for a table). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). Thereby, the

reference teaches that each entry in the database is made to record the user sessions wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference specifically fails to teach receiving a first frame identifier and a first network address at a first time. The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches that the viewing history that includes the referring link (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links (frame identifiers and network addresses) along with the time of access to each of the referring links. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

**Referring to claim 3,**

The reference Cohen teaches the claimed elements. (Fig. 1, [0014 – 0019]).

**Referring to claim 4,**

The reference Cohen teaches the claimed element. (Fig. 2, [0030]).

**Referring to claim 6,**

Keeping in mind the teachings of Cohen as stated above, the reference Cohen fails to teach network addressees owned by separate parties and, their ownerships and

controls over each other as well as the report indicating that an user activated the second network address from the first network address. The reference Gerace teaches that the program controller obtains sponsor submitted advertisements from module 75, and generate a screen view formatted according to user preferences. (col.5, lines 43-47). (the first network address is significantly owned or controlled by a first party, the second network address is significantly owned or controlled by a second party; the first party is not significantly owned or controlled by the second party, and the second party is not significantly owned or controlled by the first party). The reference also teaches that the viewing history that includes the referring link (a user activated the second network address from the first network address) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links (wherein a user activated the second network address from the first network address) along with the time of access to each of the referring links. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

**Referring to claims 8, 9, 10 and 11,**

The reference Cohen teaches "Using pre-programmed basic comparison rules and computer based mathematical models, matrices are used to represent statistical information about the visitor's sessions on the web site" (Abstract). It also teaches to

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put the tracked data during user's session in the appropriate structure. [0013], and stored in a database. [0014](generating an entry for a table). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). The reference also teaches displaying a first view to a user, wherein the first view includes a first frame having a first frame identifier and a second frame having a second frame identifier (Fig. 1, [0014 - 0019]). Thereby, the reference teaches that each entry in the database is made to record the user sessions wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference specifically fails to teach receiving a first frame identifier and a first network address at a first time. The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches that the viewing history that includes the referring link (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links (frame identifiers and network addresses) along with the time of access to each of the referring links. Thus, the

gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

**Referring to claim 12,**

Keeping in mind the teachings of Cohen as stated above, the reference also teaches the recording of users activities in different viewing sessions (Fig. 2). The reference also teaches an activation of an object from a frame that is a child frame of the parent frame. (Fig. 2, [003], Fig. 1, 0014, 0015-0019). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). Thereby, the reference teaches that each entry in the database is made to record the user sessions wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference specifically fails to teach receiving frame identifiers and network addresses at a time.

The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches that the viewing history that includes the referring link (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention

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was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links (frame identifiers and network addresses and objects activating these links and their associated addresses) along with the time of access to each of the referring links. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

**Referring to claims 13, 14, 17 and 19,**

Claims 13, 14, 17 and 19 are claims to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claims 1, 2, 5 and 7. Therefore, the claims 13, 14, 17 and 19 are rejected for the reasons set forth for the claims 1, 2, 5 and 7.

**Referring to claim 15,**

Claim 15 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 3. Therefore, the claim 15 is rejected for the reasons set forth for the claim 3.

**Referring to claim 16,**



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Claim 16 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 4. Therefore, the claim 16 is rejected for the reasons set forth for the claim 4.

**Referring to claim 18,**

Claim 18 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 6. Therefore, the claim 18 is rejected for the reasons set forth for the claim 6.

**Referring to claims 20, 21, 22 and 23,**

Claims 20, 21, 22 and 23 are claims to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claims 8, 9, 10 and 11. Therefore, the claims 20, 21, 22 and 23 are rejected for the reasons set forth for the claims 8, 9, 10 and 11.

**Referring to claim 24,**

Claim 24 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to


perform method steps of claim 12. Therefore, the claim 24 is rejected for the reasons set forth for the claim 12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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JOHN FOLLANSBEE  
SUPERVISOR  
TECHNOLOGY CENTER 2100  
PATENT EXAMINER